

UNITED STATES OF AMERICA)	
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)	
)	
v.)	No. 2:08-CR-135-DBH
)	
MICHAEL HOUDE,)	
)	
DEFENDANT)	

The defendant Michael Houde has filed a “petition for modification” of his sentence based upon the new crack cocaine Guidelines recently made retroactive. The defendant believes that after the 3-level reduction he received previously for acceptance of responsibility, his Total Offense Level should decrease from 29 to 23. A Petition for Modification of an Imposed Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2) at 8 (Docket Item 38). But the defendant was held accountable at sentencing for 415.12 grams of cocaine base. That quantity yielded a base offense level of 32 under the then applicable Guidelines (150 grams to 500 grams). Under the more lenient retroactive crack Guidelines, that quantity, 415.12 grams of cocaine base, still yields a base offense level of 32, as the Table that the defendant attaches to his letter shows (280 grams to 840 grams). U.S. Sentencing Guidelines for Crack Cocaine (Docket Item 38-1). Thus, the defendant’s Total Offense Level does not change and the new Guidelines do not reduce this defendant’s sentence.

Accordingly, the defendant's petition or motion to reduce sentence is
DENIED.

SO ORDERED.

DATED THIS 3RD DAY OF NOVEMBER, 2011

/s/D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE